



Saugatuck Zoning Board of Appeals Meeting - *Proposed* **October 10, 2024, Minutes**

The Saugatuck Zoning Board of Appeals
Met in regular session at 6:30 p.m.
City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairman Kubasiak at 6:30 p.m.

Attendance:

Present: Chairman Kubasiak, Board Members Bouck, Crawford, Hundreiser.

Absent: Board member Bont.

Others Present: Director of Planning and Zoning Thompson, Deputy Clerk Williams.

2. **Agenda Changes/Approval of Agenda:**

Motion by Bouck, second by Hundreiser, to approve the agenda for October 10, 2024, meeting as presented. Upon voice vote, motion carried 4-0.

3. **Approval of Minutes:**

Motion by Crawford, second by Bouck, to approve the regular meeting minutes from September 12, 2024, Upon voice vote, motion carried 4-0.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**

A. 810 Allegan – Dimensional Variance Request

1. The Public Hearing was called to order by the Chair at 6:34 p.m.
2. Summary by Director of Planning & Zoning Luke Thompson.

The applicant requests variances to expand the existing principal dwelling and accessory building at 810 Allegan Street. The variance requests relate to the minimum front setback requirement and maximum lot coverage requirement noted in Section 154.026(D) of the

Zoning Ordinance. Below is a summary of existing conditions, requirements, and the variance request.

Requirement	Existing	Required	Requested	Variance
Maximum Lot Coverage	27.7%	30%	38%	8%
Minimum Front Setback for Principal Building	0 feet	20 feet	10 feet	10 feet
Minimum Front Setback for Accessory Building	7 feet	20 feet	7 feet	13 feet

Director of Planning & Zoning Thompson provided an overview of the application and noted that the proposed project would need relief from the setback and lot coverage requirements from the zoning ordinance. He mentioned that staff had presented some concerns with the project in the packet, and the applicant intends to address those concerns with his presentation.

3. Presentation by the Applicant:

The applicant, Chris Vishey introduced himself his family as the full-time residents of 810 Allegan Street for the past 10 years. He explained that they are seeking a variance request to complete what they are calling their “final project” on the house, which was built in 1890. Chris mentioned that the house has required many projects over the years to its age and poor condition. He stated that they are grateful for the opportunity to present their case and walk through the details with the board.

4. Public comment regarding the application:

a. Supporting comments (audience and letters):

- Joseph Leonatti (712 Allegan)
- Donna Carrillo (142 Takken)
- Betsy Beckman (823 Mason)
- Ron & Sandy Collins (137 East)
- Brian Stephens & Kirbie Peterson (750 Allegan)

b. Opposing comments (audience and letters):

- John Weisenhorn (119 West)
- John Thomas (141 West)

c. General comments (audience and letters): None.

d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 7:08 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicant's request for variances to expand the existing principal dwelling and accessory building at 810 Allegan Street.

ZBA Findings of Fact: *Note: Applicant must show practical difficulty by demonstrating that all four standards are met.*

Standard 1: *That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.” § 154.155(B)(1).*

Bouck stated that the standard for lot coverage is not met, in his opinion. He explained that the lot already has a permitted use, so the addition would not prevent the lot from being used. Bouck said the lot is already legally non-conforming, so increasing the lot coverage would not make it unnecessarily burdensome. He noted that the lot is smaller than standard size, but not unique, as there are many smaller lots and corner lots in the city. Bouck concluded that the standard for lot coverage is not satisfied and Chair Kubasiak, Crawford, and Hundreiser agree.

Standard 2: *“That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.” § 154.155(B)(2).*

Crawford said that he believes the lot coverage request as submitted is excessive and would not do justice to the adjoining property owners or the community as a whole. However, he stated that there may still be a possibility for a lesser relaxation that would give the applicant substantial relief and be more consistent with justice to others, especially given the favorable feedback from the neighborhood.

Regarding the dimensional variance, Crawford said he is unable to determine the specific dimensions from the plans submitted, so he does not believe that the standard is met. Chair Kubasiak, Bouck, and Hundreiser agreed that this standard has not been met.

Standard 3: *“That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.” § 154.155(B)(3).*

Hundreiser said that as they discuss the corner lot designation and non-conformity of size and width are somewhat unique, but these factors don't relate to lot coverage. However, they did learn new information about the some of the plight of the owner, based on the existing house itself and some of the needs to repair. He said that if they are talking about this as a whole project, this standard is not met. Chair Kubasiak, Bouck, and Crawford agree that the standard has not been met.

Standard 4: *“That the problem is not self-created or based on personal financial circumstances.” § 154.155(B)(4).*

Chair Kubasiak stated that he believes this standard has not been met because the problem is related to the setback compliance and the pre-existing conditions of the lot, where expanding to the maximum 30% lot coverage would exceed the limit. He acknowledged that even though the lot size is not extremely small for the town, the fact that it already had a variance granted on one side means the current situation is not self-created by the applicant. He said the attempt to make the property more functional should be considered, rather than just viewing it as a financial issue. Kubasiak ultimately concluded that based on the lot coverage aspect, which he sees as self-created in trying to maximize that coverage, he would have to say this standard is not fully met. Bouck, Crawford, and Hundreiser agree that the standard has not been met.

Motion by Bouck, second by Hundreiser to deny the variance requests to increase the maximum lot coverage to 38%, reduce the principal building setback to 10 feet for a building addition, and reduce the accessory building setback to seven (7) feet for an accessory building addition. This motion is based on the following findings:

1. *Standards 1, 2, 3, and 4 have not been satisfied.*

Upon roll call vote, motion carried 4-0.

7. Communications:

- Director of Planning & Zoning Thompson noted that there are no cases for November, there will not be a meeting.

8. ZBA Comments:

- Chair Kubasiak announced that Kate McPolin has resigned from the board and said that there is a regular member situation where typically if an alternate that has seniority would want to move into the regular instead of the alternate position, then they would ask the person to consider that and then have it approved by City Council. He asked alternate Hundreiser if he would be interested in that and Hundreiser said that he would like to stay as an alternate board member due to his personal business schedule.

9. Public Comments: None.

10. Adjournment.

Motion by Crawford, second by Hundreiser, to approve adjournment of the meeting.

Upon voice vote, motion carried 4-0. Chair Bouck adjourned the meeting at 8:32 pm.

Respectfully Submitted,

Sara Williams

City Deputy Clerk